

87th Legislative Session – 2012

Committee: Joint Legislative Procedure

Tuesday, January 10, 2012

The meeting of the Joint Legislative Procedure Committee was called to order by Senator Bob Gray, Chair at 9:00 a.m. (CDT), on Tuesday, January 10, 2012, in Room 413 of the State Capitol Building, in Pierre, South Dakota.

A quorum was determined with the following members answering the roll call: Senators Corey Brown, Jason Frerichs, Phyllis Heineman, Russell Olson, J.E. 'Jim' Putnam, Timothy Rave, and Bob Gray, Chair; and Representatives Justin R. Cronin, Mitch Fargen, Brian Gosch, Bernie Hunhoff, Roger W. Hunt, David Lust, and Val Rausch, Co-Chair.

Legislative Research Council members present were Jim Fry, Director and Reuben Bezpaletz, Chief Research Analyst.

All the documents distributed at the meeting are attached to the original minutes on file in the Legislative Research Council (LRC). The committee documents are available at the LRC website at <http://legis.state.sd.us> under "Interim Information – Committee Documents." For the purpose of continuity, these minutes are not necessarily in chronological order. This meeting was web cast live. The archived web cast is available under "Interim Information – Minutes and Agendas."

There were no objections or requests for changes to the agenda.

Mr. Jim Fry presented proposed changes to the 2012 Legislative Session Calendar (Document 1), explaining that the legislative bill filing deadlines need to be extended.

Representative Lust moved, seconded by Senator Frerichs that the 2012 Legislative Session Calendar, with proposed changes, be adopted. The motion prevailed on a roll call vote with 13 ayes, 1 excused. Members voting aye: Senators Brown, Frerichs, Heineman, Olson, Rave, and Gray; and Representatives Cronin, Fargen, Gosch, Hunhoff, Hunt, Lust, and Rausch. Member excused: Representative Putnam.

Representative Rausch explained that although a Legislative Research Council Proposed Rule on Confidentiality (Document 2) should be a part of public record and available to legislators, the Joint Legislative Procedures Committee would not take action on the proposed rule at this time. Director Fry explained the document in detail and answered questions from the committee. The Proposed Rule on Confidentiality is as follows:

A communication relating to legislation, bill research, or legislative issues between a legislator and a staff member of the Legislative Research Council is confidential if the communication is not intended to be disclosed to third persons. The confidentiality of the communication is maintained when a staff member:

- 1) Discusses the communication or an issue raised by the communication with another member of the legislative research council staff;**
- 2) Contacts an outside source such as an agency to the extent necessary to obtain technical information but does not reveal the identity of the legislator who makes a request;**
- 3) Prepares financial analyses or determines fiscal impact through the use of outside sources; or**
- 4) Discusses the communication for the purposes of managerial oversight.**

Any legislator waives confidentiality by taking any action inconsistent with continued confidentiality. Unless a legislator indicates a need for confidentiality, other communications that are not material to providing professional services to a legislator are not considered confidential communications.

Representative Susy Blake (Document 3) presented a proposed amendment to Joint Rule 6C-1, requiring that any bill of questionable constitutionality which may be subject to litigation shall include a fiscal note to determine the probable cost to the state of defending such legislation. Testifying as proponents were: Senator Angie Buhl, Representative Peggy Gibson, and Representative Bob Deelstra.

Representative Hunhoff moved, seconded by Senator Frerichs that the proposed amendment to Joint Rule 6C-1, requiring that any bill of questionable constitutionality which may be subject to litigation shall include a fiscal note to determine the probable cost to the state of defending such legislation, be adopted. The motion failed on a roll call vote with 3 ayes, 11 nays. Members voting aye: Senator Frerichs and Representatives Fargen and Hunhoff. Members voting nay: Senators Brown, Heineman, Olson, Putnam, Rave, and Gray; and Representatives Cronin, Gosch, Hunt, Lust, and Rausch.

Representative Gosch moved, seconded by Representative Hunhoff that the meeting be adjourned. Motion prevailed.

The meeting adjourned at 9:55 a.m.

Rena Ortbahn

Committee Secretary

Bob Gray, Chair